

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARCUS R. COBB,)	CASE NO.: 5:18CV452
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
)	
CHRISTOPHER LAROSE, Warden,)	<u>ORDER AND DECISION</u>
)	
Defendant.)	
)	

This matter appears before the Court on objections to the Report and Recommendation of the Magistrate Judge filed by Petitioner Marcus R. Cobb. Upon due consideration, the Court overrules the objections and adopts the Report and recommended findings and conclusions of the Magistrate Judge and incorporates them herein. Therefore, it is ordered that the petition is hereby DISMISSED.

Where objections are made to a magistrate judge's R&R this Court must:

must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b)(3).

The R&R in this matter concluded that Cobb's petition was barred by the one-year statute of limitations contained in the AEDPA. On October 15, 2018, Cobb filed a document entitled "Objection to Respondent's Report and Recommendation." Doc. 19. Cobb, however, does not address the R&R in any manner. He does not even in a conclusory fashion claim error in any

aspect of the legal analysis performed in the R&R. He reasserts his requested relief – a lesser sentence – and asks that this Court “do what it deems just and proper[.]” Doc. 19 at 3. As Cobb has alleged no error in the R&R, he has not properly filed objections.

To the extent that Cobb’s filing could be construed as some form of a challenge to the R&R, the Court would note that Cobb restates his claim that he has a factual basis for his claim of innocence. The R&R properly noted that in the best light, Cobb’s assertion is one tied to legal innocence, as he claims that he should be sentenced for a lesser-included offense. As such, the R&R properly found that Cobb’s assertions were not sufficient to evade the one-year statute of limitations imposed by the AEDPA. Accordingly, any objection that could be found in Cobb’s filing lacks merit.

I. Conclusion

Having found no merit to the objections raised by Cobb, the Court ADOPTS the Magistrate Judge’s Report in its entirety. The Petition is DISMISSED in its entirety as barred by the statute of limitations.

The Court certifies, pursuant to 28 U.S.C. §1915(A)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability.

This Order is entered pursuant to Federal Rule of Civil Procedure 58.

So ordered.

October 23, 2018

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE